

**ENTERED**

February 15, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

TANNER SMITH,

Plaintiff.

V.

NORDEX USA, INC., *et al.*,

Defendants.

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CIVIL ACTION NO. 4:22-cv-01421

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

On January 18, 2023, Defendant High Lonesome Wind Power, LLC's Motion to Dismiss (Dkt. 21) was referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). Dkt. 31. Judge Edison filed a Memorandum and Recommendation on January 30, 2023, recommending that the motion to dismiss be **GRANTED**. Dkt. 32.

On February 10, 2023, Plaintiff Tanner Smith timely filed his Objections. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections, the Memorandum and Recommendation, the pleadings, and the record. The Court **ACCEPTS** Judge Edison's

Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 32) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendant High Lonesome Wind Power, LLC's Motion to Dismiss (Dkt. 21) is **GRANTED**.

It is so **ORDERED**.

SIGNED and ENTERED this 15th day of February 2023.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE